

IRISH LAND ACT, 1903.

REGULATIONS made by the Lord Lieutenant in pursuance of the provisions of Section 23 (8) of the Act, dated 5th March, 1906, and INSTRUCTIONS with respect to the Inspection of Estates issued by the Estates Commissioners in accordance therewith.

Presented to both Houses of Parliament by Command of His Majesty.



DUBLIN.

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By the Lord Lieutenant-General and General Governor of Ireland.

ABERDEEN.

WE, John Campbell, Earl of Aberdeen, Lord Lieutenant-General and General Governor of Ireland, being advised that the Irish Land Act, 1903, contemplates that Instructions for the guidance of Inspectors working under the Orders of the Estates Commissioners should be issued by the Estates Commissioners subject always to such Regulations as the Lord Lieutenant may make from time to time, and, furthermore, that the Instructions, dated 9th February, 1905, having been found to need amendment, should be cancelled, do hereby cancel the said Instructions, dated 9th February, 1905, and do hereby, under Section 23 (8) of the Irish Land Act, 1903, make the following Regulations:—

- I. The Estates Commissioners shall prepare and issue suitable Instructions for the guidance of the Inspectors working under them, such Instructions to be in all respects conformable with the provisions of the Act as judicially interpreted.
- II. The Estates Commissioners shall also direct the Inspectors, when acting under such Instructions, to have careful regard to such judicial interpretations of the Law as may be hereafter made.
- III. The Estates Commissioners shall forward copies of all such Instructions for the information of the Lord Lieutenant.

Given at His Majesty's Castle of Dublin, this 5th day of
March, 1906.

By His Excellency's Command,

A. P. MACDONNELL.

Irish Land Act, 1903.

IRISH LAND COMMISSION—ESTATES COMMISSIONERS.

INSTRUCTIONS WITH REFERENCE TO INSPECTION OF ESTATES ISSUED BY THE ESTATES COMMISSIONERS IN ACCORDANCE WITH THE REGULATIONS MADE BY THE LORD LIEUTENANT, DATED THE 5th MARCH, 1906.

PART I.

Instructions in case of Sales to Persons other than the Land Commission.

1. When the Commissioners have provisionally determined what lands are fit to be regarded as a separate estate, and the Purchase Agreements for the lands so to be dealt with have been received, the case will be referred for inspection and report.

Where any special instructions other than those contained herein are given in the particular case, a Minute of such will be furnished to the Inspector, who will also be supplied with certain documents, viz. :—

I. Schedules (A), (B), (C), and (D) in the Appendix hereto, viz. :—

(A). Holdings, the purchase money of which is within the zones.

(B). Holdings held at Judicial Rents, the purchase money of which is outside the zones.

(C). Non-judicial holdings.

- (D). Parcels under Sections 2 and 4.

II. Map of the estate, lodged by the vendor, or a tracing or copy thereof.

III. Copy of Schedules I. and IV. to the Originating Application lodged in the case.

IV. Schedule of tenancies.

V. Other documents, if any, which the Commissioners may direct to be furnished, such as applications from evicted tenants on the estate or in the neighbourhood, &c.

2. The Inspector sent to inspect any estate or lands, after giving due notice, which should, as a rule, be not less than two clear days, to the vendor or his agent and the tenants, or to such of them as may appear necessary as set out in the Particulars of Tenancies, and to any other persons who have signed purchase agreements, and to whom it may be desirable to give notice, shall visit the estate. He should, as soon as possible, prepare and send in a report on the form prescribed, which should give a general description of the whole estate, noting the nature and character of the land and its physical situation, the purposes for which the holdings are generally used, the economic condition of the occupiers, and how they work their holdings, the character of any untenanted land or demesne, and how it is used, and any special advantages or disadvantages that should be brought to the attention of the Commissioners.

Special
instructions and
documents to be
furnished to the
Inspector.

Inspection.
General
description of
Estates.

General report as to matters connected with the Estate that may affect the security.

In making his general report on an estate the Inspector should call attention to any circumstances or facts that may affect the future liabilities, rights or obligations of the Land Commission or of the tenant purchasers; or that may affect the general security for the advances that may be made with respect of all or some of the holdings comprised in the estate, whether within or without the zones, such as the necessity for up-keeping river or sea embankments, or providing for the same so as to prevent destruction or injury by flooding, to the subject matter with respect of which the advances are applied for, and should state how such matters are to be provided for.

The Inspector should also in his general report describe any timber that may be growing on the estate; and report on the sporting rights and mineral rights, and the value thereof, and should advise the Commissioners how, in his opinion, such timber, and sporting and mineral rights should be dealt with.

3. The Inspector or other officer deputed for the purpose should in every case satisfy himself that the tenants who apply for advances are in occupation of the holdings.

4. (a.) In all cases where the purchase money agreed upon is such as to bring the cases within the zones, no inspection, unless specially directed by the Commissioners, is necessary as to security. Where a judicial rent purports to be fixed by agreement, since 1st January, 1903, the Inspector should ascertain and report for the information of the Commissioners whether the tenancy was created since 1881, so that it may be ascertained, if created subsequently to that time, whether the provisions of the 17th Section of the Act of 1896 were complied with.

(b.) Where applications for advances are made in cases coming within Section 5 of the Act, the Inspector or other officer deputed for the purpose should report as to each holding in the form E in Appendix.

Difference between price and security.

5. In all cases on which the Inspector is required to report as to the security for the advance, he should bear in mind the difference between "price" and "security." It may shortly be stated that in considering the security for an advance, the Inspector should take into account the value of the holding as it stands, while he should base his estimate of price on the vendor's interest in the holding.

The Inspector should consider all the circumstances of the case, the interest which the vendor is selling, the length of time over which the annuity will be payable without alteration, the prospects or likelihood of agricultural and economic changes that may affect the profits of agriculture, and report what advance he considers to be well secured on the holding, having regard to such considerations, giving his reasons.

The inquiry into security in each case should include a consideration of the nature and character of the holding, its situation as regards markets, &c., the likelihood of appreciation or of depreciation in its productive power and earnings. It is evident that the security afforded by a holding situated in the neighbourhood of an advancing city or town is likely to appreciate in value, while that afforded by a holding in a remote and backward district or near a decaying centre, is more likely to depreciate, so also the security afforded by an economic holding of good land is obviously better than that afforded by an uneconomic holding consisting of poor land.

The condition and means of the purchaser and the manner in which rent has been paid in the past should also be reported on. Where considerable arrears have accrued, or where the rent of the holding has not been fully or regularly paid, the Inspector should consider how such matters, in his opinion, affect the security, and make a report on the subject.

Where the full price agreed upon is not secured on the holding because part of such price represents the value of buildings, and the Commissioners would not be prepared to advance the full value of the buildings, the Inspector should state who claims such buildings, and whether such claim

is admitted, so that if the vendor is entitled to the buildings, the Commissioners may be in a position to determine whether the purchasing tenant should be required to pay in cash that portion of the agreed price which cannot be advanced, and if not so paid, whether they should exclude the holding from the estate.

6. The Inspector should also state whether he considers the agreed price inequitable, and, if so, he should state such facts and give such figures as will enable the Commissioners to determine whether the case is one in which an advance may be made under the provisions of Section 5 of the Act of 1903, as judicially interpreted.* If it appears that the landlord or the purchasing tenant was induced to sign the purchase agreement by undue pressure, such as threats of legal proceedings for arrears of rent, intimidation, or by fraud, or other improper means, the Inspector should so report.

Equity of price.

7. In cases covered by the proviso to Section (1) (5) of the Act the Inspector, in order that the Commissioners may be able to come to a conclusion on the subject, should report whether in his opinion the interests of the intending tenant-purchaser would be prejudiced by treating a judicial rent fixed or agreed to before the passing of the Act of 1896 as a judicial rent fixed since the passing of the Act of 1896, and should give his reasons for his opinion.

Report in cases where rent fixed before 1896 to be treated as rent fixed since that date.

8. Agreements between the vendor and intending purchasers must be obtained for the purchase of every holding and parcel of land comprised in the property finally declared to be an estate for the purposes of the Act. The reports of the Inspectors should therefore be full and complete in the first instance, so as to enable the Commissioners to deal finally not only with the estate as a whole, but also with each holding and parcel of land comprised in the property.

Inspectors should give sufficient information to prevent delay in sale of entire estates.

9. If any questions arise during the inspection on which the Inspectors have any doubts, they should be referred immediately, and while the inspection is in progress, for the instructions of the Commissioners without waiting for the completion of the report on the entire estate.

Inspectors to apply for special instructions to the Commissioners on questions as to which they are in doubt during inspection.

10. The Inspector or Surveyor deputed for the purpose should state whether the boundaries of the estate and the holdings thereon, including the boundaries of the various parcels of land tenanted or untenanted, and demesne lands as shown on the Map lodged by the Vendor, are correct, and how their accuracy has been tested and checked. He should also compute the area of each holding as shown on the Map. If the boundaries or areas are found to be incorrect in any particular, he should so state, and specify what alterations have been made or steps taken for their correction. If the errors in the maps or areas are of a substantial character which affect the purchase agreement, the consent of all parties who are likely to be affected by the proposed correction of the error should be obtained in writing and annexed to the Inspector's Report. If the consent of the parties concerned cannot be obtained to the proposed correction, that fact, with the reasons, should be stated.

Maps and boundaries.

If the holdings are so small that they are not clearly shown on the map the Inspector or Surveyor should make an enlargement.

In no case should the Inspector make any alterations in a Purchase Agreement.

11. If there are any disputes respecting boundaries of holdings, tithary rights, easements, or appurtenances, the Inspector should endeavour to secure an amicable settlement of them, and, if he succeeds in doing so, should report what settlement has been arrived at, which all parties interested are willing to accept, and obtain their consent to such settlement in writing. If no settlement is come to, he should state his views as to the best method by which the matter could be arranged, and should endeavour to obtain reliable information on the subject from some responsible person.

Disputes as to boundaries, tithary, &c.

* See the case of *King-Harman's Estate*. I. R. (1905), Vol. I, pp. 450-2.

Rights and easements to be reserved on the sale of new holdings and of the parcels of untenanted land.

12. Where the creation of new holdings or the sale of parcels of land would necessitate the creation or enlargement of rights and easements, such as rights of way over an old holding, the Inspector should endeavour to arrange the matter between the Vendor and the purchaser of the old holding, getting such consents as may be necessary. Where new holdings are created, or where parcels of untenanted land are sold, the Inspector should report whether all easements and rights, including rights of way, that may be necessary for the proper use and enjoyment of each holding or parcel, are specified and reserved on or through such new holdings or parcels. If so, such rights and easements should, if possible, be marked on the map, and the consent of the various parties affected should be obtained in the prescribed form.

Parcels

13. Where the vendor has entered into agreements for the sale of "parcels" of untenanted land to persons within the classes mentioned in Section 2 (1) of the Act, the Inspector should report whether the proposed purchaser comes within the class of persons named in the sub-section referred to; and whether the advances applied for come within the limit for advances under Sub-Section 2 of Section 2, and whether the security for the agreed price is sufficient; a separate report in each case should be made in Form K. in Appendix, so far as it applies.

Parcels as separate holdings.

14. The Inspector should report as to the suitability of each parcel to form a separate holding by itself or in conjunction with other lands occupied by the purchaser; whether house accommodation or other improvements are required; whether it has been properly divided by fences or what arrangements as to providing or making same should be made. If the proposed purchaser is a tenant on the estate or a small tenant on an adjoining estate, the question of amalgamating the parcel with the holding of such tenant should be considered, and the facilities of access and other conditions he stated.

Special inquiries to be made where advances exceed £3,000.

15. Where an application is made for an advance exceeding £3,000 the Inspector should state any circumstances calculated to enable the Commissioners to judge as to the expediency of making the advance applied for, and should report on the following matters:—

- (a.) The circumstances of the applicant for the advance; whether he has any other business in addition to that of farming; how the holding is worked by him, i.e., whether it is used for mixed tillage and pasturage, for pasture only, or whether it is usually let temporarily for grazing, or otherwise.
- (b.) Whether in the opinion of the Inspector the holding is one on which a fair rent could be fixed, with reasons for the opinion.
- (c.) The agricultural character of the district in which the holding is situated; also the wants and circumstances of other persons residing in the neighbourhood.

Where the price agreed upon exceeds £3,000 the Inspector should ascertain and report whether the difference between this sum and the price agreed upon, or any portion of it, can be paid in cash.

Tenancies created since January, 1901, application for over £500. Applications for over £1,000 for purchase of parcels.

16. Where the tenancy has been created since the 1st January, 1901, and an advance exceeding £500 is applied for (Sec. 53, Act of 1903), or where a parcel of land is proposed to be sold under Section 2, and an advance exceeding £1,000 is applied for, the Inspector should state whether he considers that a larger advance than the respective sums mentioned may be sanctioned without prejudice to the wants and circumstances of other persons residing in the neighbourhood, which wants and circumstances should be set forth in his report, and should give his reasons.

Joint tenants, Section 15 (4).

17. The Inspector or other person deputed for the purpose should state whether there are any joint tenants or tenants in common in exclusive occupation of separate portions of a holding on the estate, or whether any such holding

is sub-divided between two or more persons, and, if so, whether he considers such tenant or person should be deemed the tenant of the parcel of land in his exclusive occupation, and what apportionment of the rent should, in his opinion, be made, and whether the parties have provisionally agreed thereto, and what apportionment of the agreed price for the holding should be made for the separated parcels, having regard to the security therefor, and should report the circumstances as to the proposed division of the land, having marked same on the map and given the areas.

18. Where any sub-tenant is in the exclusive occupation of a parcel of land comprised in the estate, the Inspector should report whether it is desirable, having regard to the nature and character of the parcel and the circumstances of the occupier, that any such sub-tenant should, in the case of the sale of the estate, be deemed the tenant of such parcel and the parcel deemed a holding, he should also estimate the price, if any, at which in his opinion, in case of the sale of the estate, the intervening interest should be redeemed. To enable the Commissioners to assess the value of the intervening interest, the Inspector should state the tenure of the tenant and of the sub-tenant, the rent and acreable rate actually paid by the tenant, the rent actually paid by the sub-tenant for his portion of the holding, and the acreable rate thereof, and whether such rent is a fair rent, and how the quality of the land held by the sub-tenant compares with that of the remainder of the tenant's holding, and, having regard to these considerations, what the redemption money should be in his opinion. He should state whether the vendor and the owner of the intervening interest agree to his estimate of the amount of compensation, and, if not, what amount the owner of the intervening interest claims, and whether the sub-tenant is willing to purchase at a price which will amount to a fair proportion of the original purchase-money plus the compensation, and whether such price would be secured on the sub-tenant's holding, and if not so secured whether the sub-tenant would be willing to pay portion of the purchase-money in cash. If the parties do not agree he should report what their objections are to the estimated amount.

Sub-tenants,
Section 15, and
redemption of
intervening
interests.

19. Where a tenant proposes to divide his holding into two or more parts and have each part dealt with as a separate holding, the Inspector should report as to the desirability of such proposed division, and should state whether each part by itself, or in connection with other land with which it may be proposed to be consolidated, would constitute an economic holding, and give other reasons to enable the Commissioners to decide whether the suggested division should be permitted or not. If the Inspector considers that it is advisable to divide a holding, he should mark the proposed division on the Map and give the areas. He should also state what he considers to be a proper apportionment of the agreed price.

Division of
holdings.

20. Where a tenant has asked for an advance to enable him to purchase two or more holdings on the same estate, the Inspector should state whether, in his opinion, it would be desirable to have such holdings amalgamated and only one advance made; also whether the holdings separately may be considered economic, and their situation, whether contiguous to or at a distance from one another. When an Inspector considers that consolidation is advisable, he should, if possible, obtain the tenant's consent, and where this cannot be got, state the reason why he refuses consent.

Desirability or
expediency of
amalgamation of
holdings.

21. Where a person who has signed a purchase agreement appears to occupy the land by virtue only of his holding some position or appointment, such as that of schoolmaster or clergyman or in other similar fiduciary capacity, then the circumstances, so far as they can be ascertained, should be fully reported, and it should be stated who pays the rent of such land, to whom such rent is paid, and how much would be secured by the land and buildings (if any) separately if an advance were made so as to enable the Commissioners to decide whether an advance should be made, or the land should be excluded altogether from the estate.

Schoolhouses,
churches, par-
sonal residences,
and the like.

Houses, &c., in towns and villages included in estate.

22. When an Inspector is asked to report on a holding not agricultural or pastoral in its character, such as a house lot in a town or village, he should report the amount that would be secured on the land only. He should also report as to the value of the buildings, and whether there is any collateral security forthcoming for an advance in respect of such buildings.

Small plots and labourers' cottages.

23. Where a labourer's cottage exists on a tenant's holding, and the labourer pays the tenant either by rent or by labour, or occupies the plot rent free by the tenant's permission, it is generally desirable to let the arrangement continue.

Where, however, the labourer pays rent to the Vendor of the estate and an application is made for an advance for the purchase of the holding, the Inspector should inquire from the tenant whether he can provide the purchase money in cash if so required, or how otherwise the advance applied for can be secured, and should report accordingly.

Turbary (Sections 4, 10, and 21.)

24. The Inspector should report generally as to the turbary on the estate, and should suggest such regulations and schemes as he may think desirable for dealing with the same, having regard to the wants and requirements of the occupiers on the estate and in the neighbourhood. He should adopt the same course with respect to pasturage, seaweed, and other similar rights and privileges, and should keep in mind the provisions of Section 4 and of Section 20 as regards the making of advances to trustees for the purchase of parcels of land for the purposes therein stated.

Advances to Trustees (Section 4.)

25. Where it is desired that advances for such amount as the Lord Lieutenant may sanction should be made to trustees under Section 4 for the purchase of parcels for the purpose of turbary, pasturage, the raising of sand or gravel, gathering of seaweed, planting of trees, or the preservation of game, woods, or plantations, or for the purposes of the Labourers Acts, the Inspector should describe the land or parcel so proposed to be dealt with, and give his opinion whether or not it is advisable that the same should be vested in trustees, with his reasons. He should also advise as to the body or the persons who may be appointed as trustees and their suitability for such purposes, and the amount of the advances which may be made to them with due regard to the security. He should also furnish such particulars in his report as will enable the Lord Lieutenant to frame or approve of a scheme as provided by the 20th Section of the Act.

Sporting rights.

26. The Inspector should in every case report on the nature and value of sporting rights and where they are to be reserved to the Land Commission, state how in his opinion they should be dealt with, having regard to such Regulations as may be made by the Lord Lieutenant on the subject.

Mineral rights.

27. The Inspector should report on the nature of the mineral rights on the estate, if any, whether they are of value or are likely to become of value, and whether in his opinion they are capable of development.

Timber.

28. Where trees are growing upon any holding proposed to be sold the Inspector should report whether they are necessary for shelter or required for the security of the amount advanced, and in case application is made to the Commissioners for permission to cut and remove any of them, whether such permission should be given, and on what terms.

Demesne Lands.

29. Where it is proposed that any demesne land or untenanted land comprised in the lands proposed to be sold should be re-purchased by the Vendor, the Inspector should estimate the *present selling value* of such land, including any mansion house or other buildings thereon. He should also estimate the amount that may safely be advanced to the vendor for the re-purchase of the demesne or other lands in his occupation, having regard to the security which such lands and buildings will afford for any such advance, and he should estimate the amount for which he considers that such buildings should be insured if it be necessary, or for which other collateral security should be given.

30. The Inspector should state in his Report whether the re-sale to the Vendor of all land which he wishes to repurchase or portion thereof only ought to be sanctioned. In forming his opinion, he should have regard to the amount of land available for the enlargement of holdings where such enlargement may be necessary.

Proposed
re-purchase of
Demesne or
other Lands.

The Inspector should also furnish a report as to the manner in which any demesne or untenanted lands which it is proposed the Land Commission should purchase and which are not to be resold to vendor, should be dealt with by the Commissioners.

31. Where any ancient monument, including any ancient or mediæval structure, erection, or monument, or any remains thereof, which is a matter of public interest by reason of historic, traditional, or artistic interest attaching thereto, exists on a holding or parcel of land in the estate, the Inspector or Surveyor should call special attention thereto with a view to its preservation under Section 14 of the Act, if the same be considered desirable. This report should specify the nature and condition of the monument and how it is at present situated and safeguarded.

Ancient
Monuments
(Section 14).

(NOTE.—Under the Church Act, 1868, the Ancient Monuments Protection Act, 1882, the Ancient Monuments Protection Act, 1893, a considerable number of ancient monuments have already been vested in or under the guardianship of the Board of Works, a list of which will be furnished to the Inspector. The County Councils are also empowered to take steps for preservation of monuments by Section 19 of the Local Government Act, 1898.)

32. The Inspector should make inquiry and report what is the existing accommodation for labourers on the estate, and if of opinion that it is insufficient having regard to the ordinary requirements of the district, he should specify what accommodation is required and how it may best be supplied, and should give such particulars as may enable the Land Commission to forward the representation in the Form prescribed by the Commissioners.

Accommodation
for labourers.

33. When an Inspector is directed to report as to a holding included in the area comprised in the Application, but for which no agreement had been lodged, he should state the reasons why the tenant has not signed an agreement to purchase, and his opinion as to whether the offer (if any) made to the tenant was fair, and the terms of the offer. He should report on the holding in Form B in the Appendix, so as to enable the Commissioners to judge whether the holding should be excluded from the estate for sale.

Holdings for
which Agree-
ments have not
been signed.

34. Where any question depends on or is to be determined by legal considerations, the Inspector should clearly set forth the facts so as to enable the Commissioners to decide how the matter should be dealt with.

Where legal
questions arise
Inspector to
report facts to
enable Commis-
sioners to decide.

35. If in the course of the inspection of any estate, it appears to the Inspector that the estate or any portion of it is a "Congested Estate" as defined by section 6 (5) of the Act, he should at once fully report the facts which in his opinion appear to bring the case within that section and obtain the Commissioners' directions thereon.

Congested estate.

PART II.

Instructions in cases of Sales to the Land Commission.

Where the owner of an estate makes an application to the Land Commission to inquire into the circumstances of the estate with a view to the purchase of the estate from him under the Irish Land Act, 1903, or where the Commissioners propose to make an offer to the Land Judge for an estate under section 7 of the Act, an inquiry shall be made as follows:—

Act of 1903,
Sects. 6, 7, and 8.

36. A Purchase Inspector will be directed to examine into the circumstances of the estate with a view to having the price estimated at which the Commissioners may, after due consideration, propose to purchase it. Where

Estimation of
price of the
Estate.

any special instructions other than those contained herein are given, a minute of such will be furnished to the Inspector, who will also be furnished with the following documents, viz. :—

Documents to
be furnished
to the Inspector.

- (1) Map of the estate, or a tracing or copy thereof.
- (2) In the case of sales under sections 6 and 8 of the Act, copies of Schedules I. and IV. to the Originating Request, together with the Schedules of Areas and Tenancies: in the case of sales under section 7 of the Act, the attested Rental with sealed Map annexed.
- (3) Schedule of Particulars of Tenancies.
- (4) Other documents, if any, which the Commissioners may direct to be furnished, such as applications from evicted tenants on the estate or in the neighbourhood, &c.

The instructions in Part I. of these Instructions, in so far as applicable, should be observed by the Inspector, and the following special instructions in addition.

37. The Inspector in estimating the prices at which the Commissioners may in his opinion propose to purchase the estate should, with respect of each holding or parcel of land comprised in the estate, have regard :—

- (a.) To the security for an advance;
- (b.) To the provisions of the Act (Sections 1-5) in respect of advances;
- (c.) To the prices which the tenants and other persons are willing to give for the holdings and other parcels of land;

He should also bear in mind that he is required to estimate the price as well as the security for an advance. The Inspector in arriving at his estimate of price in each case should take care that he does not assess any part of that price on the tenant's interest or improvements, and on the other hand that he does not credit the tenant with improvements which are the property of the Vendor; that in fact his estimate should be based on the Vendor's interest in each holding which is proposed to be sold. He should bear in mind the difference between "price" and "security." The latter depends on the value of the holding as it stands, the former on the interest of the Vendor therein that he proposes to sell. If the Inspector confuses "price" and "security" he may arrive at an estimate of price that would result in the tenant being called on to purchase his own improvements.

Also it must be remembered that the tenant may be compelled to purchase his holding under Section 19 of the Act, at the price estimated by the Commissioners, should he be included in a one-fourth minority who refuse to purchase. Consequently the price should be fair and equitable to him, as well as to the Vendor and the other persons interested.

Where the tenants have expressed their willingness to pay certain prices before the inspection of the estate, a list of such prices will be furnished by the office to the Inspector, which may be referred to by him as evidence of the prices which the tenants were willing to give at the time they expressed their willingness to pay those prices, and the Inspector should ascertain whether the tenants are still willing to give the same prices, and, if not, what prices they are willing to give at the time of the inspection.

Where the Inspector is of opinion that the price should be a different amount from that which the tenant is willing to give for the holding or parcels reported upon, he should state his reasons in the case of each tenant separately for coming to such a conclusion, and should state also whether in his opinion the tenant of any holding should, if he refuses the offer to purchase at his (the Inspector's) estimated price, be deemed to have accepted the offer, under Section 19.

Arrears of Rent
in cases of sales
to the Land Com-
mission.

38. The Inspector should inquire and report in the case of each holding as to the amount of the actual arrears due and admitted to be due up to the sale day preceding the inquiry, utilising for this purpose the Rental, Receiver's Account, or other document furnished to him, and ascertain what

sum has been paid since such document was furnished, so as to enable the Commissioners to form an estimate of the arrears due. He should report what portion of such arrears the vendor might reasonably expect to receive, and the tenant be asked to pay, and what portion (if any) should be remitted under the powers in Section 18 of the Act.

39. Where portion or the whole of the estate consists of untenanted lands, whether the case is under Sections 6, 7, or 8, the Inspector should report as to their general character. He should state how and in what manner such lands can best be dealt with should the estate be purchased by the Commissioners, and he should estimate the amount for which such untenanted land may be purchased by the Commissioners, and report whether in his opinion there are suitable persons who will be willing to purchase at his estimated prices. He must also bear in mind that from the date of the agreement to purchase from the vendor until the purchase money is distributed, the income from the tenanted and untenanted land must be sufficient to enable the Land Commission to pay $3\frac{1}{2}$ per cent. on the purchase money to the Vendor.

Untenanted
Land.

40. If it is proposed to treat a parcel of land as a separate holding the Inspector should report as to its suitability as such; whether house accommodation or other improvements are necessary, and if so how such are to be provided. If the proposed purchaser is a tenant on the estate or a small tenant on an adjoining estate, the question of amalgamating the parcel with the holding of such tenant should be considered, and the facilities for access and other conditions stated.

41. Where, in the opinion of the Inspector, some of the holdings on the estate require improvement, he should so state, and give particulars of what steps should be taken for the purpose, either by the enlargement of holdings by addition of untenanted land, or the exchange of holdings or otherwise. He should also, where possible, estimate the probable cost of such improvements, including the erection of houses, drainage, fencing, &c., and state whether such cost could be recovered by sales at an enhanced price to tenants or others pursuant to Section 48 of the Act, or whether a free grant should be made, or whether such improvements might be more suitably executed by means of loans from the Board of Works, and should distinguish in his Report improvements which are urgent and capable of being carried out immediately from those which he thinks may be executed at some future time.

Enlargement and
Improvement of
Holdings

42. Finally, the Inspector should estimate the price at which he considers the Commissioners may safely offer to purchase the whole estate, basing such price on the respective amounts estimated in respect of:—

Final estimate of
Price.

- (a.) Each tenanted holding.
- (b.) The untenanted land, that may be disposed of to other persons.
- (c.) Demeane or other lands which it is intended the Vendor should re-purchase.

43. When an estate has been declared by the Commissioners to be a congested estate as defined by Section 6 (3) of the Act, the Inspector will receive special instructions in each case.

Congested
Estates

PART III.

Improvements, Purchase of Stock, &c.

44. In the cases of estates sold by owners to tenants direct, the Commissioners have no power to make advances repayable by purchase annuities for buildings or other improvements. If in such cases loans are required for these purposes they should be obtained by the occupier from the Board of Works under the Land Improvement Acts. In exceptional cases in which the loan could not be obtained from the Board of Works, and the improvement in the opinion of the Inspector is necessary, the Commissioners will consider the advisability of making a loan for the improvement repayable in instalments under special deed or contract.

In the case of estates purchased by the Commissioners, they have power to make advances repayable by purchase annuities for buildings and other improvements out of the Reserve Fund.

In the case of estates sold by owners to tenants direct, and in the case of estates purchased by the Commissioners, the Commissioners have power to make free grants out of the Reserve Fund for buildings or other improvements, and for the purchase of stock, implements, &c.; but the Inspector should bear in mind that, as the Reserve Fund is limited in amount, free grants should only be given where really necessary. Where the Commissioners sanction free grants, the occupier will be required to sign a deed charging the holding or parcel with the repayment of the amount of the grant in the event of his transferring, without the consent of the Commissioners, the holding or parcel within five years of the grant being made, or his failing to work the holding in a husbandlike manner.

PART IV.

Evicted Tenants.

45. When required to report as to an applicant for a holding purporting to come within Section 2 (1) (d) of the Act, the Inspector should, where necessary and after giving due notice in writing, visit the Applicant, and, after making careful inquiries, report as to the following matters:—

- (a). The date and cause of the eviction.
- (b). The area, rent, and Poor Law Valuation of the holding from which the Tenant was evicted, and the amount of Rent due at the date of the eviction.
- (c). Whether the Holding was, at the date of eviction, and is now, provided with Buildings.
- (d). The name of the present Occupier, stating whether such person is Owner or Tenant.
- (e). The present condition of the Applicant; where and how he lives; the number and age of his family; his suitability to work land if allotted to him, and whether he has now any lands, and if so, particulars should be given; also the means which the tenant may have at his disposal for working land, specifying farm implements, capital, stock, &c.
- (f). Whether the friends or relations of the evicted tenant would, in the event of his being allotted a holding, assist him, and to what extent.
- (g). His character for steadiness and industry, and the probability of his succeeding as a farmer if he gets a holding, and for this purpose the Inspector may, where he thinks it advisable, consult trustworthy people in the locality.

46. When making inquiries or interviewing applicants, the Inspector should be careful to avoid doing or saying anything which might afterwards be construed as a promise, and should also be careful not to be the cause, directly or indirectly, of any pressure being brought to bear on any Owner or occupier of land.

47. Should the Inspector consider, after inquiry, that it is impracticable or undesirable to attempt to provide a holding for the applicant, he should so report, giving his reasons in full. D/CB

48. Where the holding from which the applicant has been evicted is in the Owner's hands, the Commissioners will, when they think it desirable, ascertain from the Owner whether he is willing to enter into negotiations for the sale of the holding, and with this view to allow it to be valued. If the Owner so consents the Inspector will be informed accordingly, and he should, after giving due notice to the Owner or his agent, visit the holding, mark the boundaries on the Ordnance Sheet, compute the area, and report :—

- (a). The sum which he regards as the present gross Fair Rent of the holding.
- (b). The price at which he estimates that the holding may be purchased, having regard to security and to the fact that the annuity will remain payable, without variation, during a period of 68½ years.
- (c). The annuity on the Purchase Money, and any further information which he considers may be useful to the Commissioners.
- (d). The Inspector should also describe the buildings and other improvements, if any, and by whom they were made, and if there are not any buildings, he should state the sum which would be required to provide the holding with the necessary buildings.

49. The Inspector should report what buildings or other improvements are necessary for the holding if the evicted tenant is to be restored thereto, and what assistance such tenant would require in the way of stock or implements. He should also report how far such buildings and improvements or other assistance can be provided for by means of advances to the tenant, and how far free grants will be necessary. Where possible, improvements should be carried out by the tenants themselves with the help of an advance or grant, rather than by the Land Commission.

50. Where the Inspector finds that it is not possible to restore the evicted tenant to his former holding, he should make enquiry and report whether other land in the locality, if possible, could be acquired in order that such tenant may be provided with another holding.

51. Inspectors' Reports should be furnished on the prescribed forms and should be treated as *Confidential*.

By Order,

(Signed),

E. O'FARRELL,

Assistant Secretary.

Estates Commissioners' Offices,
Upper Merrion-street, Dublin.
9th March, 1906.

Form E referred to in the foregoing Instructions to Inspectors.

IRISH LAND COMMISSION.—ESTATES COMMISSIONERS.

Record No. E. Q. _____

Estate of _____

Tenant _____

Co. of _____

(1.) Reference to No. on Map	(2.) Townland	(3.) Area, Statute Measures.			(4.) Government Valua- tion			(5.) Rent.			(6.) Agreed Price.			(7.) Amount on			(8.) No. of Years Purchase of rent	(9.) Percentage of reduction.
		A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.		

A. Short description of holding; its character, use, situation, etc.:—

B. Estimate of the gross Fair Rent of the holding as it stands:—

C. State improvements admittedly made by (a) the landlord; (b) the tenant, and the present capital value thereof, respectively:—

- D. Estimate what in your opinion would be the net fair rent :—
- E. State what number of years' purchase the price agreed upon is of (a) your gross fair rent ; (b) your net fair rent :—
- F. State whether in your opinion the price agreed upon is inequitable, and, if so, state any facts which may have come to your knowledge upon which you have based your opinion :—
- G. Give your opinion as to the security for the advance applied for, with your reasons :—
- H. Does the tenant appear to have sufficient stock and means for working the holding :—
- I. State average rent actually paid for the holding during the last five years. If there are large arrears state when and how they accrued :—
- J. State whether there is any timber on the holding, and if so, if it is necessary for the security of the advance that it should be preserved :—
- K. State whether the advance applied for includes any sum over and above the actual purchase-money of the holding, either for :—
 (a) arrears of rent, or
 (b) otherwise.

Record Number, E.C. _____

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Estate of _____

IRISH LAND

County _____

Schedule A.—Sec. 1 (1), (a) and (b) Zonas Class

1. Reference No.		2. Name of Tenant.	3. Townland.	4. Area			5. Rent			6. Annually.
Agreement.	Map.			A.	B.	C.	d.	e.	f.	g.

NOTE.—Put the Section 1 (1) (a) cases into Section 1 (1) (b) second, and those 2 coming into the 1 (1) (b) first.

Schedule B.—Sec. 1 (2), Judicial Tenancies

1. Reference No.		2. Name of Tenant.	3. Townland.	4. Area			5. Rent.			6. Annually.			7. For-rental Reference.
Agreement.	Map.			A.	B.	C.	d.	e.	f.	g.	h.	i.	

Schedule C.—Abstract of Non-Judicial

1. Reference No.		2. Name of Tenant.	3. Townland.	4. Area.			5. Rent.			6. Annually.			7. For-rental Reference.
Agreement.	Map.			A.	B.	C.	d.	e.	f.	g.	h.	i.	

Schedule D.—

1. Reference No.		2. Name of Purchaser.	3. Townland.	4. Area.			5. Purchase Money.	
Agreement.	Map.			A.	B.	C.	Price.	Admission applied for.
							d.	e.

and Zone (b) coming into Zone (a).

7. For entire holding.	8. Date of Order or Agreement concerning Judicial Sale.	9. Advance applied for Whole Purchase Money.	10. Is the Tenant in possession of the holding?	11. Is the holding correctly marked upon the Map and are the area correct?	12. Observations.

and, and a heading or side note to indicate difference, with a line drawn between in each case.

Agreements outside Zones.

5. Date of Order or Agreement concerning Judicial Sale.	6. Purchase Money.		10. Is the Tenant in possession of the holding?	11. Is the holding correctly marked upon the Map and are the area correct?	12. Is the holding correctly marked upon the Map and are the area correct?	13. Observations.
	Price agreed upon.	Advance applied for.				

Tenants.

5. Tenants.	6. Purchase Money.		10. Is the Tenant in possession of the holding?	11. Is the holding correctly marked upon the Map and are the area correct?	12. Is the holding correctly marked upon the Map and are the area correct?	13. Observations.
	Price agreed upon.	Advance applied for.				

* In this column answer Yes or No, and refer to separate report in Form B.

Parties.

6. Annuitant.	7. Description of Purchase, whether by reference to letters a, b, c, Section 2, or under Section 4.	8. Is the tenant in possession of the holding?	9. Is the holding correctly marked upon the Map and are the area correct?	10. Is the holding correctly marked upon the Map and are the area correct?	11. Observations.
a.	b.	c.			

* In this column answer Yes or No, and refer to separate report in Form B.

ACT, 1903.

OF PURCHASE INSPECTOR.

County _____

TESATED LAND.

Dist.	Reference from the Bidding.	Amount as made Paid.	Particulars Reference of Ad- visory at contract with land	Time which Tender is valid to give for Bidding	Reference to rules of practice or history (if any)	Is the Tender in full sub- stantiation of the Bidding?	Is the Bidding correctly issued upon the map and are the area correct?	Observations.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
A. B. C.		D. E. F.						

Returns are to be filed up by the Inspector

PURCHASE INSPECTOR—continued.

II.
AND DEMESNE LANDS.

Acres.	Price offered for Forest.	Whether person making offer comes within any of the classes specified in Sec. II.	Suggested Referee for dealing with Forest, (whether bought back by vendor or disposed of to other person, &c.)	Observations
(1)	(2)	(3)	(4)	
£ s. d.	£ s. d.			

PART III.

Reference Number on Map.	Particulars respecting, and nature of Right, &c.	Townland.	Townland Valuation (H. 1899).	Estimated Price.	Annually.	Price claimed by other person, if any, and by whom.	Suggested Reasons for dealing with such Rights, &c.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			R. A. R.	R.	R. A. R.	R.	

Form F to be filled up in the Office when a Scheme for Labourers' Cottages is recommended.)

IRISH LAND COMMISSION.

ESTATES COMMISSIONERS.

IRISH LAND ACT, 1903 (SECTION 96), AND LABOURERS (IRELAND)
ACTS, 1883-1894.

Estate of _____

Union of _____

Rural District of _____

Townland _____

County _____

AN APPLICATION having been made to the IRISH LAND COMMISSION to sanction advances for the purchase of holdings comprised in the above Estate, and inquiry having been made on our behalf as to whether accommodation is needed for Labourers on the said Estate, We, being members of the Land Commission, being of opinion that such accommodation is needed, and that the existing house accommodation is insufficient, having regard to the requirements of the said Estate, do represent to the Local Government Board for Ireland and to the Council of the _____ Rural District, that in accordance with the Labourers (Ireland) Acts, 1883 to 1894, and the 96th Section of the Irish Land Act, 1903, provision should be made for the erection of _____ dwellings for the said Estate on the holding of _____

No. _____ on Map.

Dated _____ day of _____ 190__

